

*Bison  
Management  
Plan*  
for the State of Montana  
and Yellowstone National Park

RESPONSES TO COMMENTS

ON THE DRAFT ENVIRONMENTAL

IMPACT STATEMENT



VOLUME TWO

# *Responses to Substantive Comments on the Draft Environmental Impact Statement*

## *Purpose and Methodology*

The final environmental impact statement is to be an accurate analysis of impacts of the proposed action and its alternatives. Public and agency review of the draft statement helps to ensure quality.

On June 16, 1998, the *Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park* was released for public review in a formal 120-day comment period. The U.S. Department of the Interior, National Park Service, and the U.S. Department of Agriculture, Forest Service, are the federal lead agencies. The U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS), is a cooperating agency. The state of Montana was also a lead agency when the *Draft Environmental Impact Statement* was released to the public; however, the state's status has changed, and they are no longer participating in this capacity (see volume 1, appendix C). Following requests from the public for more time to review the *Draft Environmental Impact Statement*, the agencies extended the comment period until November 3, 1998.

The *Draft Environmental Impact Statement* examined seven alternatives as a means of minimizing the risk of transmitting the disease brucellosis from bison to domestic cattle on public and private lands adjacent to Yellowstone National Park. The comment period generated 67,520 documents from the public, which contained 212,249 individual comments. Comments were received by letter, electronic mail, and verbally at a series of public hearings held in 13 cities across the United States.

Approximately 64,000 responses were submitted by individuals, 2,400 by organizations, 700 by tribes and tribal organizations, and the remainder by businesses, public agencies, and congressional representatives. Comments were received from every state and 48 countries.

Of those comments responding to the range of alternatives presented in the *Draft Environmental Impact Statement*, alternative 7 (the draft preferred alternative) received the greatest number (over 25,000) expressing concern about its proposed bison management actions. Of those commenting on the other draft alternatives, more concern than support was expressed by the public. There was overwhelming support for a "Citizens' Plan" alternative (over 45,000 comments), followed by a "Bison Alternative." Both alternatives, as well as others submitted during the comment period, are addressed in volume 1, "The Alternatives." These issues are summarized in a report entitled, "Content Analysis of Public Comment for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park" (Greystone Environmental Consultants 1999).

At the close of the comment period, the agencies began a content analysis of public responses to the *Draft Environmental Impact Statement*. Every document was read and sorted in terms of its subject matter and content. A number was assigned to each letter, electronic mail document, and verbal testimony given at public hearings. This number was used for tracking purposes and was entered into a database (the comment numbers are shown following the name of each responder in the "Index of Comment Letters by Category of Author"). As each document was read, codes were assigned to categorize the content, topic, and issue of each comment made in the letter. These codes were also entered into a data base for tracking purposes; they are shown in parentheses after the topic heading; for example, "Bison: Capture/Test/Slaughter Operations (BI-5)."

After each document was coded, a series of steps were taken to determine whether the individual comment was substantive or nonsubstantive, according to the criteria set forth in the Council on Environmental Quality regulations. Substantive comments are those that raise an issue regarding law or regulation, agency procedure or performance, compliance with stated objectives, validity of impact analyses, or other matters of practical or procedural importance. Nonsubstantive comments are those that offered opinions or provided information not

directly related to issues or impact analyses. Substantive comments require a response or a corresponding revision in the environmental impact statement text; nonsubstantive comments are used as background information for the EIS team, but do not require a formal response.

The purpose of reading, coding, and analyzing the contents of the comment letters was to assist the agencies in determining if the substantive issues raised by the public warranted further modification and study of alternatives, issues, and impacts. With the information provided through the review process, the agencies reconsidered the draft preferred alternative (alternative 7) and developed a "modified preferred alternative," as described in volume 1, "The Alternatives."

## *Organization of Comments and Responses*

This volume contains a summary of the substantive comments received on the *Draft Environmental Impact Statement*, by topic and issue, and the agencies' responses to those comments. The topics are major headings, organized alphabetically, with subheadings reflecting the issues that were identified during the public comment period. These issues are further broken down into specific questions or concerns raised by the public. Substantive comments were addressed either in the comment and response section, the text of the environmental impact statement, or both places.

Volume 2 includes a table of contents of each topic and issue to aid the reader in locating a particular issue and the agencies' response. An "Index of Comments by Topic" is provided as well as an "Index of Comment Letters by Category of Author," organized by businesses; organization and educational institutions; federal, state, and local officials; and Native American tribes and tribal organizations.

A commenter will be able to find the response to a particular question by consulting the topic, issue, and subsequent question and answer. In some cases, summaries of the agencies' responses have been integrated into volume 1. Where applicable, changes to the environmental impact statement text are indicated in the response.

Volume 3 contains an index and copies of comment letters and portions of transcripts received from businesses; organizations; federal, state, and local officials; and Native American tribes and tribal organizations. Due to the number of individuals who commented on the *Draft Environmental Impact Statement*, their names have not been included in volume 3, but are available upon request.

## *Index of Comment Letters by Category of Author*

### *Business Comment Letters*

- Abrahams, Loewenstein, Bushman and Kauffman — 3910. Alternatives: Citizens' Plan. Objectives and Constraints: Legal and Policy Mandates — Management Authority.
- Adventurer Tours — 13442. Bison: Distribution (Live), Effects on Free-Ranging Status and Distribution, Brucellosis in Yellowstone Bison Herd, Brucellosis Transmission and Public Perception. Livestock Operations: Public Grazing Allotments — Modify. Wildlife: Brucellosis in Other Wild Ungulates.
- All Aboard Travel — 7561. Alternatives: Citizens' Plan. Bison: Effects on Free-Ranging Status and Distribution.
- Allen, Jack, Attorney at Law — 11097. Bison: Distribution (Live), Hunting, Land Acquisitions/Easements or Winter Range. Socioeconomics: Reasonable Project Costs. Visitor Use: Winter Recreation.
- Alpine Environmental, Inc. — 9079. Alternatives: Citizens' Plan. Bison: Capture/Test/Slaughter Operations, Distribution (Live), Effects on Free-Ranging Status and Distribution, Land Acquisitions/Easements or Winter Range. Livestock Operations: Public Grazing Allotments — Modify. Objectives and Constraints: Legal and Policy Mandates — Management Authority. Socioeconomics: Social Values. Visitor Use: Overall Visitor Use and Experience.
- Andersons Arsenal — 2563. Alternatives: Citizens' Plan. Bison: Capture/Test/Slaughter Operations, Distribution (Live), Hunting, Population, Special Management Areas, Land Acquisitions/Easements or Winter Range. Livestock Operations: Public Grazing Allotments — Modify, Cattle Vaccination.
- Architectural Illustration — 14368. Socioeconomics: Social Values. Visitor Use: Overall Visitor Use and Experience.
- Artistic Features Art Studio — 6152. Bison: Capture/Test/Slaughter Operations. Livestock Operations: Public Grazing Allotments — Modify.
- Aspen Trading Post — 11902. Alternatives: Citizens' Plan. Bison: Effects on Free-Ranging Status and Distribution.
- Audio Press — 14438. Alternatives: Citizens' Plan. Bison: Effects on Free-Ranging Status and Distribution. Objectives and Constraints: Legal and Policy Mandates — Management Authority.
- Ayers Northwest — 9056. Visitor Use: Winter Recreation.
- Ayurvedic Rehabilitation Center — 753. Bison: Capture/Test/Slaughter Operations, Brucellosis Transmission and Public Perception. Livestock Operations: Public Grazing Allotments — Modify. Objectives and Constraints: Legal and Policy Mandates — Management Authority. Visitor Use: Winter Recreation.
- Backyard Designs — 1434. Alternatives: Citizens' Plan. Bison: Capture/Test/Slaughter Operations, Distribution (Live), Hunting, Population, Special Management Areas, Land Acquisitions/Easements or Winter Range. Livestock Operations: Public Grazing Allotments — Modify, Cattle Vaccination.
- Baker Animal Hospital — 8926. Alternatives: Citizens' Plan. Bison: Distribution (Live), Effects on Free-Ranging Status and Distribution, Population, Special Management Areas, Land Acquisitions/Easements or Winter Range. Livestock Operations: Cattle Vaccination.
- Baldwin Realty — 705. Bison: Effects on Free-Ranging Status and Distribution, Population, Land Acquisitions/Easements or Winter Range. Livestock Operations: Public Grazing Allotments — Modify.
- Blaise Hayward Studio — 9413. Alternatives: Bison Alternative. Bison: Capture/Test/Slaughter Operations, Humane Treatment, Hunting, Quarantine Operations, Vaccination.
- Blue Water Publishing, Inc. — 10530. Alternatives: Alternative Plan B. Bison: Capture/Test/Slaughter Operations.
- Boesche, McDermott and Eskridge — 6201. Alternatives: Citizens' Plan. Bison: Capture/Test/Slaughter Operations, Effects on Free-Ranging Status and Distribution, Humane Treatment. Socioeconomics: Social Values.
- Boocks Farm — 16778. Bison: Capture/Test/Slaughter Operations, Effects on Free-Ranging Status and Distribution, Brucellosis Transmission and Public Perception. Socioeconomics: Cost to Livestock Operators.
- Bracer Consulting — 13417. Alternatives: New Alternatives/Issues.

## *Index of Commenters by Topic*

### *Alternatives*

#### **Adjustments to Interim Plan (AL-2)**

Cheyenne River Sioux Tribe — 17759  
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Upper Sioux Community — 14701  
Yankton Sioux Tribe — 15846

#### **Alternative Plan B (AL-54)**

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Buffalo Nations — 15187  
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Ecology Center — 15150, 15254, 15671  
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— 14337  
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Northern Rockies Preservation Project — 5064  
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Predator Project — 15332  
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Republicans for Environmental Protection —  
14892  
Richard Raymond Associates — 14688  
Sierra Club, Upper Columbia River — 13036  
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— 11398  
Wild Rockies InfoNet — 15545  
Wildlands Center for Preventing Roads —  
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#### **Alternatives/Issues Eliminated from Further Consideration (AL-3)**

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#### **New Alternatives/Issues (AL-4)**

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Audubon Society, Evergreen Naturalists —  
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Blue Ribbon Coalition, Inc. — 7262  
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Bruce Jackson Photography — 3795  
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Flathead Nation — 17735  
Ecology Center — 15671  
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Flandreau Santee Sioux Tribe — 194  
Florida Biodiversity Project — 9382  
Fort Belknap Community Council — 15745  
Georgia Farm Bureau Federation — 14398  
Greater Yellowstone Coalition — 15420  
Gros Ventre Tribe — 17732, 17733  
Hagenbarth Livestock — 10638  
Hakansson, Carl G., Attorney at Law — 1905  
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Humane Legislative Network — 6535  
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## ***Adjustments to Interim Plan (AL-2)***

### **Issue 1: Include Specific Management Activities in Alternative 1 (Interim Plan)**

**A** Comment: Quarantine should be added to alternative 1.

Response: Alternative 1 is the "no-action" alternative, i.e., the current *Interim Bison Management Plan*, and does not include a quarantine facility. However, alternative 4 in the environmental impact statement is very similar to alternative 1 except for the addition of a quarantine facility and hunting. The description of this alternative is located on pp. 84–89 of the *Draft Environmental Impact Statement*.

*Representative Comment:* 15543A1

### **Issue 2: Analysis of Alternative 1 is Incomplete**

**A** Comment: Analysis of effects on the bison population in alternative 1 is incomplete because all bison are assumed to be captured and tested, and shooting untested bison in the west boundary area is not considered.

Response: In the unlikely event future conditions in the West Yellowstone, Montana area were similar to the 1996–97 winter, i.e., capture facilities were effective in capturing only 27% of the bison entering the west boundary area, and the agencies chose to shoot all remaining untested bison, approximately 16% of the bison entering the west boundary area might remain on public lands (see volume 1, "Appendix A: Evaluation of Adjustments to Interim Bison Management Plan, Winter 1997-1998 — Impacts of Adjustments to Bison Population"). Since the winter of 1996–97, the cooperating agencies have implemented adjustments to the interim plan with the intent to reduce the number of bison killed as part of management actions. Those adjustments have included hazing bison, constructing a second capture facility in the Horse Butte area, and a provision that untested low-risk bison (bulls, yearlings, calves, and females that have given birth) would not have to be shot in the west boundary area for Montana to maintain its class-free status. These provisions will likely increase the percentage of bison captured and decrease the percentage of untested bison that are shot such that the resulting impacts to the bison population will be similar to those presented in the analysis for alternative 1.

*Representative Comment:* 15420Y1